

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE LIFETRADE LITIGATION:**

**ORDER**

**17-CV-2987 (JPO)(KHP)**

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**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE**

As discussed during the case management conference on April 27, 2023, the Court orders the following:

- Depositions shall be scheduled as follows:
  - The deposition of John Marcum shall be scheduled over two days in the **weeks of June 5, 2023 or June 12, 2023**. The deposition shall be no more than ten hours. Plaintiff is allocated four hours and Wells Fargo is allocated 6 hours. Both sides may allocate time for re-direct and re-cross. To the extent Marcum's attorney wishes to question Marcum, up to an additional two hours (i.e., beyond the 10 hours) will be allowed for such purpose. **By May 17, 2023**, Plaintiff and Wells Fargo shall communicate if and how much of their time they will be allocating for re-examination.
  - The deposition of Ulan Bator Project Ltd. shall be taken on **May 9, 2023**.
  - The deposition of CBM Bolsa de Valores, S.A. shall be taken on **June 1, 2023**.
  - The deposition of Plaza Asset Management Co., Ltd shall be scheduled as soon as possible and taken by no later than **June 23, 2023**.
  - The deposition of Jeffrey Petri shall be taken on **May 9, 2023**.

- The deposition of Justin Dardani shall be taken on **May 11, 2023**.
- The one-hour continuation of Michael Thomas's deposition shall be taken on **May 12, 2023**.
- Depositions taken according to the 30(b)(6) deposition topics letter motion at ECF No. 925 shall be taken during the **weeks of May 28, 2023, June 5, 2023 and/or June 12, 2023**.
- The deposition of Andrew Sawyers shall be taken on **May 10, 2023** or another date the week of **May 8, 2023**.
- **By May 5, 2023**, Wells Fargo shall send an email to the Court with ten unredacted but highlighted documents from Plaintiff's choice of OCC documents, along with the log entries, for in camera review.
- **By May 11, 2023**, Wells Fargo shall email a document-by-document log of 20 privileged documents for each claimed category to the Court along with Plaintiffs' list of issues. Such log shall have been provided to Plaintiffs' counsel **by no later than May 5, 2023**. A case management conference is scheduled for **May 12, 2023 at 10:00 a.m.** in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York to resolve any privilege issues, if any.
- For the reasons stated during the conference on the record, the following discovery orders are issued:
  - The letter motion to compel document discovery from John Marcum at **ECF No. 1030** is denied in part and granted in part. **By May 12, 2023**,

Marcum and Plaintiffs are directed to produce scheduling emails and produce the categorial log for the limited period of time during which Marcum was discussing preparation of his affidavits.

- The letter motion to quash subpoenas of law firms formerly representing Roy Smith and Lifetrade Entities at **ECF No. 1011** and a corresponding letter motion to seal at **ECF No. 1020** are denied. The deadline to comply with the subpoena and for Plaintiffs to produce any documents they previously received from their subpoenas on law firms is **May 12, 2023**.
- Plaintiffs' request to take more than 10 depositions is granted, and Defendants' motion for a protective order to preclude the depositions of Derek Flowers, David Weber, and Thomas Cambern is denied. Plaintiffs are permitted up to 16 depositions, inclusive of the depositions of Derek Flowers, David Weber, and Thomas Cambern. The depositions of Flowers, Weber and Cambern shall be limited to a half a day each.

**The Clerk of the Court is respectfully requested to close ECF Nos. 1011, 1020, and 1030 pursuant to this Order.**

**SO ORDERED.**

Dated: April 27, 2023  
New York, New York



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KATHARINE H. PARKER  
United States Magistrate Judge